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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

AK FUTURES LLC, a Delaware  
limited liability company,

Plaintiff,

vs.

TBH SUPPLY LLC, a California  
limited liability company; GOLDEN  
PHOENIX HOLDINGS, a Nevada  
corporation; JASON ANTHONY  
LONGO, a California resident; ATLAS  
HEMP COMPANY LLC, a Washington  
corporation; THIRTYONE LABS, LLC,  
a California limited liability company;  
and ATLAS TECH AZ, LLC, a  
Washington limited liability company,

Defendants.

Case No. 8:23-CV-01030-JVS-ADS  
*Honorable James V. Selna*

**JUDGMENT**

On December 9, 2024, the following three Motions came on regularly for hearing before the Honorable James V. Selna, District Judge:

1. Defendants TBH Supply LLC, Golden Phoenix Holdings, Jason Anthony Longo, Atlas Hemp Company LLC, ThirtyOne Labs, LLC, and Atlas Tech AZ, LLC's (collectively, "Defendants") Motion for Summary Judgment as to Plaintiff AK Futures, LLC's ("Plaintiff") causes of action for (1) Federal False Designation of Origin and Unfair Competition, under the Lanham Act, (2) California False Advertising, (3) California Unfair Competition [Dkt. 147];

2. Plaintiff's Motion for Summary Judgment and Permanent Injunction [Dkt. 150]; and

3. Defendants' Motion to Strike [Dkt. 160].

After hearing oral argument and reviewing the papers submitted by the parties, the Court issued an Order **granting** the Defendants' Motion for Summary Judgment and Motion to Strike, in part, and **denying** AK Futures' Motion for Summary Judgment and Permanent Injunction. [Dkt. 165.]

Specifically, the Court found that there is no genuine dispute that nineteen of Plaintiff's CAKE branded hemp-derivative delta-8 THC and delta-10 THC vaping products tested above the 0.3% limit for delta-9 THC while in commerce, making these products unlawful. Because there is no genuine dispute that nineteen of Plaintiff's CAKE™ hempderivative vaping products tested above the 0.3% limit for delta-9 THC while in commerce, Defendants are entitled to judgment on Plaintiff's Lanham Act claims as a matter of law.

Additionally, because Defendants are entitled to summary judgment on Plaintiff's Lanham Act claims, they are also entitled to summary judgment on Plaintiff's derivative state law claims. None of Plaintiff's causes of action survive.

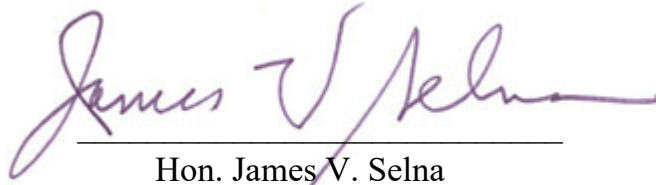
1 The Court further granted the Defendants' Motion to Strike Plaintiff's new  
2 arguments raised in its Reply regarding Defendants' lab testing evidence, and any portion  
3 of Plaintiffs' four new declarations, and evidence submitted therewith, supporting these  
4 arguments.

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6 Finally, because the Court granted Defendants' Motion for Summary Judgment, the  
7 Court denied AK Futures' Motion for Summary Judgment and Permanent Injunction as  
8 moot.

9 **IT IS THEREFORE ORDERED, ADJUDGED and DECREED as follows:**

- 10 1. Plaintiff's First Amended Complaint is dismissed in its entirety;  
11 2. Defendants may apply to recover costs from Plaintiff;  
12 3. Plaintiff shall recover nothing from Defendants.

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16 Dated: March 12, 2025

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18 Hon. James V. Selna  
19 United States District Court Judge

